

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

Amber Brawdy,	:	
	:	
	:	
Plaintiff,	:	Civil Action No.: <u>CIV-14-1180-D</u>
v.	:	
	:	
Caribbean Cruise Line, Inc. ; and DOES 1-	:	
10, inclusive,	:	
	:	
Defendants.	:	COMPLAINT AND
	:	DEMAND FOR JURY TRIAL
	:	
	:	

For this Complaint, the Plaintiff, Amber Brawdy, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Amber Brawdy ("Plaintiff"), is an adult individual residing in Moore, Oklahoma, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Caribbean Cruise Line, Inc. ("Caribbean"), is a Florida business entity with an address of 2419 East Commercial Boulevard, Suite 100, Ft. Lauderdale, Florida 33308, and is a "person" as defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the “Agents”) are individual agents employed by Caribbean and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. Caribbean at all times acted by and through one or more of the Agents.

FACTS

7. Within the last year, Caribbean began calling Plaintiff’s cellular telephone, number 405-XXX- 0863.

8. Caribbean called Plaintiff using an automated telephone dialing system (“ATDS”) and an artificial or prerecorded voice.

9. On occasions when Plaintiff answered calls from Caribbean she heard a ship horn. On other occasions when Plaintiff answered calls from Caribbean she heard a prerecorded message.

10. Plaintiff never provided her cellular telephone number to Caribbean and never provided her consent to be called by Caribbean.

11. Nevertheless, Caribbean placed numerous calls to Plaintiff’s cellular telephone.

COUNT I

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT – **47 U.S.C. § 227, et seq.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. At all times mentioned herein and within the last four years, Defendants called Plaintiff on her cellular telephone using an automatic telephone dialing system (“ATDS”) and a prerecorded or artificial voice.

14. Plaintiff never provided her cellular telephone number to Defendants and never provided her consent to be called by Defendants.

15. The telephone number called by Defendants was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

16. The calls from Defendants to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

Dated: October 29, 2014

Respectfully submitted,

By /s/ Sergei Lemberg

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